(27)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 573 of 2006

Petitioner	Ganpat Lal Mistri, Aged about 60 years, S/o Gashiram Mistri, R/o Village Nagoi, P.O. Birkona, Tahsil & District Bilaspur (CG)
	Versus
Respondents	1. State of Chhattisgarh Through the Principal Secretary, Department of Public Works, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
	2. The Superintending Engineer, Department of Public Works, Bilaspur Division, Bilaspur (CG).
	3. The Sub Divisional Officer, Public Works Department, Sub-Division No. 1, Bilaspur (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Mr. Ashok Soni, Advocate for the petitioner.
Mr. Satish Gupta, Dy. Govt. Advocate for the State.

ORDER

(Passed on this 9th Day of April, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed as permanent Gangman in Public Works Department and the petitioner, who has worked for more than 25 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid

Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gowri